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Room 307
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01-14-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of **MICHAEL EPSTEIN**
Serial No. 09/211,155
Filed: 12/14/1998

Atty. Docket PHA 23.548
Group Art Unit: 2766
Examiner: Barron, G.

Title: Biometric Identification Mechanism That Preserves the Integrity of the Biometric Information

TO: Commissioner for Patents, Washington, D.C. 20231

REQUEST FOR REFUND

Applicant respectfully requests, under 37 CFR 1.26, that the Office refund a Notice of Appeal fee paid by mistake.

The Notice of Appeal fee was paid via an authorization to charge Applicant's Deposit Account in connection with claims 1,3-11 and 13-20 which were rejected. This Notice of Appeal was itself a mistake as a CPA was previously filed on May 22, 2002. Because the Notice of Appeal was mistaken, any fees for that Notice of Appeal were also mistaken. Accordingly, such fees should be refunded.

Attached hereto is a copy of the Notice of Appeal and fee authorization, as faxed to the PTO on June 21, 2002 and also the CPA with fee authorization as faxed to the PTO May 22, 2002.

Applicant requests that the Office credit the refund of the Notice of Appeal fee of \$320.00 to Applicant's Deposit Account 14-1270.

Respectfully submitted,

By: *Gwenaelle Le Pennec*
Gwenaelle Le Pennec
Limited Recognition Under 37 CFR
§10.9(b)
(408) 617-4837